

“Influence of Wicked Kings on
the Formation of the English Constitution.”

BY
EDWARD C. CRAIG.

THESIS
FOR THE DEGREE OF BACHELOR OF LETTERS IN THE
COLLEGE OF LITERATURE.

UNIVERSITY OF ILLINOIS.

1893.

Influence of Wicked Kings on the Formation of the English Constitution.

In the study of English History we see the people, from the time of the Norman conquest, to the reign of William III, struggling for liberty, contending with royalty, and overcoming despotism. We see them establishing customs, making precedents, re-establishing customs, and codifying them, and making laws of precedents. We see them gradually throw off the oppressive rule of arbitrary kings, and take in their own hands the government. How well they accomplished their purpose we know, for England to-day, without exception, has the most democratic government on the face of the earth, despite her hereditary kings, her lords and nobles. It is the incorporation and embodiment of the Anglo-Saxon customs. It is the government of the Angles and Saxons, as it flourished in the German forests, modernized and moulded to fit the time, and respond to the demands of the people.

When Hengest and Horsa with their followers in 449 A. D. began the conquest of Britain, there was introduced into those Isles a government, or governments, corresponding to that of the land from which they came. It was of a republican form, in which the Witenagemote was the ruling body, and with such kings as Alfred and Edward the Confessor, those were halcyon days for Old England. But this condition of affairs was not long to last; this peace was soon to be destroyed; this freedom was to become a thing of the

past. In 1066, William of Normandy conquered England. He and his successors set up a despotic rule. They devastated farms, and destroyed farm houses, to make forests for themselves, in which they could hunt; they confiscated land, built forts, ignored time honored customs, and disregarded old and good institutions. In short, they were tyrannical and arbitrary rulers, subjecting the Anglo-Saxons to a condition kin to slavery. How terrible it is, to see a people, who love liberty and personal freedom, and who have established a government worthy of their character, oppressed by the worst sort of despotism! During all this oppression, the people were continually clamoring for the "good laws of Edward the Confessor." They looked to his reign, from amidst their sorrowful condition, in the midst of their striving to regain their liberty, as a star, bright and promising, setting for them a goal to attain. A people, with such inherent love of liberty could not long endure such despotic rule, and in the reign of King John, who embodied all that was wicked, imbecile, and despotic of his predecessors, they gained for themselves, their progeny and the world, that greatest liberty giving document - the Magna Charta. King John in signing, pledged himself and his heirs, to observe the rights of the people, to observe the Anglo-Saxon customs. With that signature the institutions of the Angles and Saxons overcame the kings and their oppression. The freedom of former days was to be es-

tablished; the dream of the people was to be realized. King John himself, though he lived only one year after giving the people the Magna Charta, did not keep his promises, therein stated. His successor Henry III perfectly ignored the charter, and disregarded all the rights granted. But the people never gave ~~it~~ up. In this reign was founded the House of Commons. This was done in 1265. From this time on, through the reign of the Plantagenets, the people gained power steadily by the growth of the House of Commons. When the Stuarts came to the throne, and the people experienced the oppression of James I, with his ideas of divine rights of kings, they girded themselves for another contest, and, at last, forced his successor, Charles I, in 1628 to sign the Petition of Right, which granted materially the same as the Magna Charta, with some important additions. As he endeavored to rule as arbitrarily as ever, and infringed upon one of the most sacred rights of the people, he was beheaded. James II was dethroned, and William of Orange was called to be his successor. From him the people asked the Bill of Rights; in his reign the Mutiny Act and the Act of Settlement were passed.

With these Charters, Petitions, Bills, and Acts, the English Constitution was completed. From the reign of William III, the government of England has been in the hands of the English people. The rulers have been a known and constant quantity. They have

ruled according to the laws of the land, and have observed the rights of the people. At last the Anglo-Saxon customs have been permanently revived, and a democratic government established. Great praise has ever been given the people, for retaining their love of liberty, and for overcoming the kings, and, in spite of their despotism, and disregard for their rights, to lay the foundations of the great government of England. Without a doubt, to the Anglo-Saxon love of liberty and abhorrence for any sort of despotism this is greatly due. But what office have the despotic kings filled in this establishment of the government? They have certainly played their part, and I believe it has been an important one, so important that it is right to say, strange as it may seem, to them England is in a manner indebted for her government and present condition.

The Anglo-Saxons are a people, who, while they love personal liberty, are content with a mere mediocre condition of freedom and prosperity. Had the kings of England been other than exaggerated despots, and had they satisfied themselves by gradually encroaching upon the people's rights, instead of grasping after such wholesale prerogatives, it is difficult to conjecture the result. They were a people who could have been systematically oppressed. What aroused their indignation, what made liberty more dear to them were the unmitigated oppressions, oppressions without constraint.

Unmasked despotism was intolerable to them.

Let us make a conjecture as to what would have happened had it not been for the Norman conquest with its William I: what would have been evolved had there been no despots, no wicked kings between William I and William III. My belief is that the Norman Conquest, William I, and the evil sovereigns between him and William III, with their oppressions suited the demands of the time and the occasion. I believe to these and their temporary injuries we owe an immeasurable debt. I believe it is obvious that the more arbitrary a king was, and the more power he endeavored to wring from the people, the better it was for the people and the English government in the end: the greater the prerogative he sought to gain, the more he and his successors lost. I firmly believe had the kings of England been the like of Edward the Confessor, the great and marvelous English government would not have been evolved. It is my conviction that had there been no William I, no King John, no Stuarts, not to say anything of the numerous other sovereigns, who merely treated the demands of the people and their Magna Charta with scorn, who broke nearly every ruling of that document, who waged continuous and oft time unnecessary warfare, to carry on which money was needed, the English people and their government would not have progressed so rapidly, and would not have become what they now are. As I have said before, true

it is, to the Anglo-Saxons, and their love of liberty is due the English government, yet I scarcely think they could have attained so much without the aid of these kings yearning for despotism, and having a contempt for liberty. It is human nature never to appreciate any thing until there is danger of our losing it, or until it is taken from us. I think had all run smoothly and had there been no fear of losing rights, these same rights, which were so carefully guarded, would have gradually decayed as times changed. In corroboration of this, we have only to call to mind into what dangers the famed Anglo-Saxon liberty was falling through the kingdom becoming an aristocracy, before the Norman conquest, and to observe of how many rights the English people allowed "good Queen Bess" to deprive them, because she was a good ruler, and was loved by her subjects.

All conjectures in history, however, as to what would have happened had such and such an event taken place, or had some occurrence or occurrences not come to pass, are uncertain, as it is not in the power of man to ascertain what the result of such changes would have been. Perhaps the English government would have developed just as well without the kings and their misbehavior. But the fact that this same nation has attained great things, and has formulated for themselves an enviable government, having these rulers and these same circumstances still remains.

It is in the range of man's power to discover causes and effects in history, and the science of the study lies in this. History devoid of this investigation, and this, as it were, *proving*, - the study of mere facts and happenings-is of no great value, save to learn what has been done. The beauty of the study, the real good to be gained lies in the finding of cause and effect, the following of an happening after it itself is passed. Hence to be sure it is far from impossible to trace the cause of the growth of the English nation, and to discern the effects of the evil doings of the wicked kings. To do this I will lay aside all conjectures as to what would have happened had there been no evil kings, and will deal with what did happen. At the same time I am firm in my belief that the government of England with the same people could never become what it is, had it not been for its kings, who often ~~derasted~~ *derastated* homes, murdered, pillaged, treated with contempt all reasonable requests, violated ancient customs, disregarded all demands of mercy and humanity, overruled and broke laws and charters, which they had solemnly granted or ratified, and infringed upon every conceivable form of personal right.

I would like to take up every king from William 1 to William 111 and analize the effect of his reign, and in this way show how much is due to the kings who were despotic, wicked and weak. But to do this would be too long a task. I will content myself by

dealing with those from whose actions immediate results have come. It must be kept in mind that these are not the only ones to whom we are indebted. Their predecessors have oft times paved the way for them, and it was left to them to merely lay on the straw which would break the camel's back. The sovereigns whom I will treat are the Norman kings, Henry III, Henry VIII, and the Stuarts. These were, without doubt, the most despotic and selfish of all the kings England ever had. They were rulers, who had their own interests at heart, and cared not a whit for the people or their prosperity. The Norman kings taken as a whole were tyrannical and arbitrary, selfish and heartless. King John, who was the last, and the worst, was the incarnation of all wickedness, of all vice, of all tyranny. He was indolent, selfish, lustful, cruel, superstitious, indifferent to honor and truth, ungrateful and perfidious; to his own brother he was a traitor, he is believed to be the murderer of his nephew; to both his wives he was faithless, and he scorned religion and priests. Green says the verdict of this king's contemporaries was expressed in the saying - "Foul as it is, Hell itself is defiled by the fouler presence of John." Now these kings introduced centralization, something which could not have been brought about, had it not been for them, save by civil war, and for a nation there is nothing worse. As a result of their tyrannical actions and John's diabolical conduct, the people

arose and demanded from the latter the Magna Charta. By this same thing more was gained by the people than the wresting from the kings their rights; some thing other was accomplished than merely the restitution of their old customs. The occasion demanded a written law; it required the customs and rights to be codified; it prescribed the prerogatives of a sovereign. All this was new, and it was gained as a direct result of the royal misbehavior, and it was well worth the suffering through which the people went before they gained it. This charter can not be overrated. It contained nothing new; it granted no new rights or privileges, it simply restored old customs and laws, but these were in writing. It definitely set forth in black and white the rights of a king and the rights of the people, and in this lies its greatness. It furnished something tangible for the people to cling to, provided a basis of their liberty, and was a precedent. The good that has come from this document is immeasurable; its consequences have been so far reaching in that it secured constitutional liberty as an inheritance for the English-speaking race the world over, that it must be considered worthy of reverence. And I would like to say, I can not see how, if the kings had been like good placid Edward the Confessor, the world would have ever received it.

After the great charter the next thing that was introduced, which has been of service in the establishment of the English government, and which is one of the factors in the government to-

day was the House of Commons under Henry III. Its foundation is due not to him directly, but to the people, who, under the leadership of Simon de Montfort issued writs for the sheriffs "to return two knights for the body of their county, with two citizens or burghers for every city or borough contained in it", and that as a direct result of his avaricious and tyrannical actions. So to him we are nevertheless indebted for this mighty change in the form and composition of the English National assembly. Hitherto all legislation, what there was of it, was conducted by the lords. Now in the hands of the people was placed a power, which was of no little value even at that time, and which has steadily grown, until at the present time, there is none other greater, vested in man. To the establishment and growth of this legislative body I know not how much we owe. Our debt is beyond calculation. For its establishment and growth, as I said before, we are indebted to the royal misbehavior. Henry III was even more tyrannical than his father John, though he was not as imbecile. His oath to rule according to the Great Charter meant naught to him. He ignored it entirely. He filled the offices of the kingdom with foreign favorites. In addition to all this, when grain was sent from Germany to feed the people distressed by a famine, he took the food from their mouths, and sold it to satisfy his own avaricious desires. This action provoked the already kindled indignation of the people, and they once more arrayed themselves against

their sovereign. In the battle of Lewes 1264, which followed, the king and his son were defeated and captured. As a sequel to this was the summons to the representatives of the people. Although this call gave to the commoners a voice in the government, at first they had but little power and influence and took but little active part. Gradually they became something more than listeners, something besides mere attendants. This growth of power is essentially and without doubt the result of the wastefulness and warlike spirit of the kings. Had the kings of England been less wasteful and less avaricious, and had they carried on fewer useless and selfish wars, wars simply to gain for themselves, or to revenge petty grievances, and in few cases for the good of the country, the House of Commons would have been seldom convened, and to be sure it never would have grown into the great governing body it long since has become. To the fact that the kings were in constant need of money, and that the money had to be granted by the people, represented by the House of Commons, a great deal is owed. Grievances were often redressed by the use of this. Many times money was granted kings only on the consideration that certain wrongs should be righted.

The next sovereign, whom I am to deal with, by his conduct did not provoke the people to add anything to the constitution. His mission was anomalous. But his evil doings and misbehavior were a God-send to England. Incited by selfish motives to gain a

divorce Henry VIII freed the English Church from the thralldom of the Roman religion, and papist influence. To satisfy his own desires and petty whims he bestowed upon England a blessing. He conferred upon the people freedom from religious despotism. He exchanged for religious monarchy, religious democracy. He gave an impetus to the freedom of mind in church matters. And this all, as a result of his selfishness, his baseness, his unscrupulousness. As a tendency toward freedom of mind in religious affairs breeds a similar tendency in other matters, a debt is owed to Henry VIII for his actions, which examined from another stand point warrant no praise.

We have come now to the Stuarts, the worst dynasty England ever had. All the kings of this House were firm believers in the divine rights of kings, asserting that they and all other sovereigns were God's anointed, and that, in consequence, their power should be unlimited. They endeavored to follow out this theory in practice, and with it the people could not be content. The head of this House was James I. He was weak mentally and physically; he was conceited and obstinate, he was a bufoon, a drunkard and a coward. With all this, he believed he was God's appointed, and that he should rule arbitrarily. Hume says "Never had sovereign a higher notion of the kingly dignity, never was any less qualified by nature to sustain it." In some manner the people endured

him, although he was in constant conflict with the House of Commons, but his actions paved the way for the break between king and people in the reign of Charles I. This ruler held the same lofty ideas in regard to divine rights of kings as his father. With him these beliefs played havoc. On account of them, and his subsequent conduct the people demanded his signature to the Petition of Right. As the result of this same he was beheaded. In 1660 Charles II was called to the throne. He was a thorough Stuart, but on account of his indolent, vacillating and merry disposition he was not troublesome. His successor was James II. This sovereign, in addition to his possessing the Stuart idea of the rights of kings, was treacherous and perfidious in the extreme. As a result of this, his actions being intolerable, he was deposed after a short reign of three years. William of Orange was invited to succeed him. Imbued with ineffable disgust for the Stuarts and their tenets and desirous of taking into their own hands the reins of the government in entirety, the people asked from William the Bill of Rights. This was done not as a result of their lack of faith in him. It was due to the actions of the Stuarts, and was demanded to insure their position with other kings to come. The Mutiny Act and the Act of Settlement, both important, and of weight, were also passed in his reign. These were likewise offsprings of the Stuart dynasty, and its expulsion.

Without hesitation we can say we are indebted to these Stuart

kings for the Petition of Right, the Bill of Rights, the Mutiny Act, and the Act of Settlement. To them we also owe a great deal for forcing Parliament to call into power a new line of kings, whose origin necessarily sprang from the parliament, by whom they were elected, and whose authority came from the people through that body. This did away with all chance for kings to assume belief in their divine rights and finally and definitely put in the hands of the people the power for which they had been striving these many years. With affairs in such condition, with such a constitution as the Magna Charta, the Petition of Right, and the Bill of Rights, supplimented by the Mutiny Act and the Act of Settlement, gave the people, the sovereigns ever after have been content to rule justly and according to their prescribed prerogatives.

With all these things coming as a result of the evil actions of wicked kings, it is no more than right to say to these same kings we owe in part and in great part the English Constitution. But this is not strange. In all the world, in every age, in every man's life, evil is seen to do good. Invariably the worst calamities that befall us work out the most beneficial results. Present misfortunes inevitably become future good. The evils of life and the calamities of the present evolve themselves into blessings of the future. The severe constraints and oft time considered harsh

corrections imposed upon youth result in good returns. In truth every misfortune is an instrument of good. Every evil is. Pain, sickness and even death are evils, but they bring immeasurable good. They are kindly instruments, instruments of kindness.

Truly to the wicked English king the world owes much. He brought out what otherwise would have laid dormant in the character of the English. He forced them to produce a written constitution. He made them eradicate evil after evil, and made evident the need from time to time of innovation. As good does not fight evil as much evil itself, so to the Anglo-Saxons there is not as much an indebtedness as to the wicked sovereigns for the strong stalwart government of England, in place of the unsteady, fickle and uncertain rule of the past. Let us thank the Anglo-Saxons and their liberty loving character for the same, but let us feel indebted to the wicked kings and their evil doings.